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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
ON 8/5/96 *unc*

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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC
SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY
DOCKET NO.

In the Matter of the)
) Administrative Action
GARY R. DORNFELD, D.D.S.)
)
) CONSENT ORDER
Licensed to Practice Dentistry)
in the State of New Jersey)
_____)

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of a patient complaint from Diana C. Gerace concerning dental treatment performed by Gary R. Dornfeld, D.D.S., consisting, in pertinent part, of root canal therapy on tooth #18 and crowns and post and cores on teeth #14 and #15. The Board reviewed the entire record in this matter including the patient's records submitted by the respondent, the respondent's narrative response to the patient's complaint, the records of a subsequent treating dentist, and additional information acquired at an investigative inquiry attended by the respondent with his counsel, Maxine N. Neuhauser, Esq., on April 17, 1996. It appears to the Board that the crowns on teeth #14 and #15 were not

appropriately prepared and the post in tooth #15 perforated the root.

It also appears to the Board for a period of at least two years respondent permitted unlicensed dental assistants to perform those dental procedures reserved by law to registered dental assistants or hygienists and/or to licensed dentists.

It further appears to the Board that respondent failed to personally review insurance claim forms for accuracy of all information contained on the form and failed to manually sign such forms as required by N.J.A.C. 13:30-8.10(d). In addition, respondent permitted the submission of insurance claim forms prior to the completion of the dental service and permitted the submission of claim forms which did not accurately reflect the date when the service or procedure was actually completed.

It appearing that the respondent wishes to resolve this matter without recourse to formal proceedings and for good cause shown;

IT IS ON THIS 20th DAY OF July, 1996,
HEREBY ORDERED AND AGREED THAT:

1. The license of the respondent to practice dentistry in the State of New Jersey shall be and is hereby suspended for a period of three (3) years. Thirty (30) days of this suspension shall be active and shall commence on July 21, 1996. The remaining period of suspension shall be stayed and constitute a probationary period. The respondent shall derive no financial remuneration directly or indirectly related to patient fees paid for dental

services rendered during the period of active suspension by other licensees for patients of respondent's practice. Respondent shall not be permitted to enter upon the premises of the dental facility during the period of active suspension or provide any consultation to other licensees rendering treatment to patients of the respondent or sign or submit insurance claim forms for treatment rendered during the period of active suspension or render other administrative or supervisory duties during the period of active suspension.

2. Respondent shall perform 160 hours of dental community service at a facility to be approved by the Board. In the event respondent does not submit to the Board within forty-five (45) days of the entry date of this Order the name of a facility which has agreed to permit respondent to perform dental community service in accordance with the terms of this Order and which is approved by the Board, the Board shall designate the facility. Said community service shall be completed within 18 months after approval of the facility has been granted by the Board. Respondent shall comply with the dental protocol and procedures as required by the designated facility. The facility shall appoint an individual to supervise the community service to be provided by the respondent, and said individual shall be authorized to provide the Board with confirmation that the respondent has commenced the performance of dental services and continues to perform said service in accordance with the schedule to be established by the facility and the respondent. In the event the performance of the

community service at the designated facility is discontinued for any reason whatsoever, the respondent shall donate the balance of required hours at an alternative facility designed by the Board.

3. Respondent is hereby assessed a civil penalty in the amount of Ten Thousand (\$10,000.00) Dollars for permitting unlicensed dental assistants to perform those dental procedures reserved by law to registered dental assistants and/or hygienists or licensed dentists. The civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board of Dentistry no later than the first day of the month following the entry date of the within Order.

4. Respondent is hereby assessed a civil penalty in the amount of Five Thousand (\$5,000.00) Dollars for violations of the Board's regulation governing the submission of dental insurance forms. The civil penalty shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board of Dentistry no later than the first day of the month following the entry date of the within Order.

5. Respondent shall waive any balance remaining on the account of the patient Diana C. Gerace. In the event respondent already has commenced any action to attempt to collect any balance on this patient's account, respondent shall take affirmative action to terminate any further attempts to collect the balance.

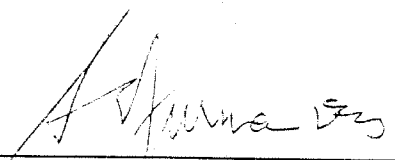
6. Respondent shall successfully complete fourteen (14) hours of continuing education in basic crown and bridge dentistry

and seven (7) hours of continuing education in post and core dentistry. These courses shall be approved by the Board in writing prior to attendance utilizing the attached Pre-Approval Sheet, and the courses must be completed no later than December 31, 1996. Respondent also shall be required to complete the attached Continuing Education Report and Proof of Attendance form as proof of successful completion of the required course work. The attached forms are made a part of the within Order, and a separate form is to be used for each course. Said continuing education ordered herein shall be in addition to, and not a part of, the mandatory continuing education currently required for biennial renewal of dental licensure.

7. Respondent shall be and is hereby reprimanded for the conduct more particularly described above. Respondent shall comply in all respects with the parameters for permissible duties for dental auxiliaries as set forth specifically in N.J.A.C. 13:30-2.3 and 2.4.

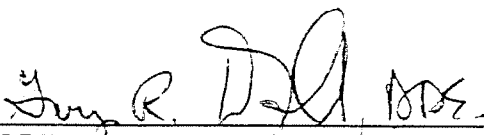
8. Random and unannounced audits of respondent's patient records and billing records may be conducted by the Board's designees at the Board's discretion and at the expense of the respondent for the entire probationary period. On demand made, respondent shall immediately make available all records necessary to conduct the audit as determined by the Board or its designees. The cost of each such audit shall be based on the standard hourly rate for the Board's investigators prevailing at the time of the

audit and shall be due and payable within thirty (30) days of the respondent's receipt of a statement of such costs from the Executive Director of the Board.



SAMUEL FURMAN, D.D.S.
PRESIDENT
STATE BOARD OF DENTISTRY

I have read and understand
the within Order and agree
to be bound by its terms.
Consent is hereby given to
the Board to enter this
Order.



GARY R. DORNFELD, D.D.S.